

CITY of BURIEN
Department of Community Development
Interpretation # 99-03

Subject: Process for SEPA Threshold Determinations Involving Adoption of Existing Environmental Documents or Addenda

Purpose: This interpretation is intended to clarify the process for issuance of a SEPA Threshold Determination where existing environmental documents are adopted, or an addendum is being issued.

Discussion:

On June 7, 1999, the City Council passed Ordinance 252 which adopted Phase 1 of the new Zoning Code (BMC Title 19). BMC 19.65.020.2 states that all SEPA threshold determinations shall be processed as a Type 1 review. Other sections of BMC 19.65 provide instructions for processing of Type 1 reviews, including notice and appeal procedures.

State law (WAC 197-11-625 and 197-11-630) contains specific procedures for issuance of threshold determinations that include adoption of existing environmental documents or addenda to existing environmental documents. These procedures conflict with BMC 19.65. Because the City's authority to evaluate environmental impacts of a proposal comes from State law, the provisions of State law override local regulation.

Conclusions:

It is my interpretation that SEPA threshold determinations that include adoption of existing environmental documents or addenda to existing environmental documents shall be processed in accordance with State law.

Robert G. Odle
Community Development Director

July 12, 1999
Date